

Personal  
Communications  
Industry  
Association

VIA COURIER

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January 19, 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Magalie Roman Salas, Esq., Secretary  
Federal Communications Commission  
Suite TWA-325  
Washington, DC 20554

**RE:** *In re Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, CC Docket No. 98-146 (Aug. 7, 1998)*

Notice of Written Ex Parte Presentation

Dear Ms. Salas:

I have enclosed a copy of a written *ex parte* presentation submitted today by the Personal Communications Industry Association to Chairman Kennard and Commissioners Ness, Powell, Furchtgott-Roth and Tristani. The presentation discusses issues related to the above-referenced proceeding.

Pursuant to §1.1206(b) of the Commission's rules, two copies of this letter together with a listing of those FCC staff who also have received it are hereby filed with the Secretary's office. Kindly refer questions in connection with this matter to the undersigned.

Respectfully submitted,



Mary McDermott  
Chief of Staff and Senior Vice President for Government Relations  
Personal Communications Industry Association

Attachment

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**PCIA Written Ex Parte Presentation**  
**January 19, 1999**

**CC Docket No. 98-146**

Chairman William Kennard

Commissioner Susan Ness  
Commissioner Michael Powell  
Commissioner Harold Furchtgott-Roth  
Commissioner Gloria Tristani

Dan Connors  
Ari Fitzgerald  
Jordan Goldstein  
Karen Gulick  
Paul Misener  
James Schlichting  
Larry Strickling  
Peter Tenhula  
Gerry Vaughan



January 19, 1999

Chairman William E. Kennard  
Federal Communications Commission  
445 12th Street, SW  
Suite 8-B201  
Washington, DC 20554

RE: Report to Congress pursuant to Section 706  
CC Docket No. 98-146

Dear Chairman Kennard:

The deadline for the FCC's report to Congress pursuant to Section 706 of the Communications Act is fast approaching. PCIA, its members, and others in the wireless industry have actively participated in the Commission's inquiry leading up to this report. Section 706 of the Telecommunications Act of 1996 extends the theme of that Act: Congress's desire to use procompetitive and deregulatory measures to ensure that all Americans have access to the advanced telecommunications services.

Current and future wireless technologies and services can play a key role in achieving the objectives of Section 706. Wireless technologies alone provide the means to communicate and access information at anytime and from anywhere. As our society becomes more and more mobile, with corresponding urgency in the demand for constant access to up-to-the-minute information, reliance on wireless carriers, technology, and services will increase dramatically. Both mobile and fixed wireless operators are working to meet these communications needs and are pleased to be a part of the solution for the rapid deployment of advanced telecommunications in this country.

It is vital that the Commission recognize the integral role of wireless services in its upcoming report to Congress. The Commission should define "advanced telecommunications capabilities" in a flexible and technologically neutral way to encompass wireless -- mobile, fixed, one-way, and two-way services. There is a broad range of wireless providers who all have the potential to offer what we think of as advanced or broadband services.

At the same time it recognizes the role of wireless in accomplishing the goals of Section 706, the Commission must avoid a "one size fits all" regulatory paradigm for advanced telecommunication capabilities. Entities offering these services should be regulated according to their competitive circumstances. The wireless market is a relatively new -- and significantly competitive -- industry. Use of monopoly-style regulation is completely unnecessary and counterproductive to the goals of Section 706 for the wireless industry. Imposing an outdated

Chairman William Kennard  
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regulatory framework on wireless providers will impede the offering of innovative services and get in the way of meeting customer needs.

In this proceeding, PCIA submitted comprehensive data on the ever increasing number of federal, state, and local taxes, fees, assessments, and regulatory mandates that are making it more difficult for wireless providers to offer advanced services. These obligations increase the price of such services and slow both the deployment of innovative solutions and the geographic buildout of networks. While the wireless industry recognizes that some level of fees and regulatory mandates are necessary, government at all levels must understand that these burdens have real costs in terms of consumer welfare. There is no quick and easy solution to this pervasive problem but the fact remains: unless public officials consider the effect of their actions on the ability of the industry to develop, deploy, and reasonably price advanced telecommunications capabilities and services, the goals of Section 706 will never be realized. PCIA urges the Commission to take the next step in this debate by including this effect in its report to Congress.

PCIA commends the Commission for the serious and thoughtful approach it is taking in regard to Section 706. We recognize that the report to Congress is merely one step and as you recently observed "the transition from monopoly regulation to open markets, from today's technologies to tomorrow's breakthroughs, is not yet complete. PCIA and its members look forward to working with you to bring the promise of advanced communications services to all Americans.

Sincerely,

  
Jay Kitchen  
President

cc: Ari Fitzgerald